

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

December 20, 2012

No. 11-50111
Summary Calendar

Lyle W. Cayce
Clerk

JOSE FIDEL RANGEL,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA;
WARDEN, REEVES COUNTY DETENTION CENTER III;
BUREAU OF PRISONS; ERIC H. HOLDER, JR., U.S. Attorney General,

Respondents-Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 4:10-CV-88

Before SMITH, PRADO, and HIGGINSON, Circuit Judges.

PER CURIAM:*

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 11-50111

Jose Rangel, federal prisoner # 34985-177, an illegal alien against whom the Bureau of Immigration and Customs Enforcement has issued a detainer subjecting him to immediate removal from the United States upon release from Bureau of Prisons (“BOP”) custody, appeals the denial of his 28 U.S.C. § 2241 petition challenging his exclusion from the BOP’s rehabilitation programs and half-way houses. As an initial matter, the government’s motion to dismiss the appeal as moot is DENIED; its motion for an extension of time is DENIED as unnecessary.

We dispense with further briefing. The judgment is AFFIRMED, because the petition is foreclosed by *Gallegos-Hernandez v. United States*, 688 F.3d 190, 192-93 (5th Cir. 2012) (per curiam), *cert. denied*, 81 U.S.L.W. 3229 (U.S. Oct. 29, 2012).